

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
May 25, 2011**

The Bismarck Planning & Zoning Commission met on May 25, 2011, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Curt Juhala, Vernon Laning, Ken Selzler, John Warford and Wayne Yeager.

Commissioner Lisa Waldoch was absent.

Staff members present were Carl Hokenstad – Community Development Director, Gregg Greenquist – Planner, Jason Tomanek – Planner, Kimberley Gaffrey– Office Assistant III and Charlie Whitman – City Attorney.

Others present were Jake Axtman (Swenson Hagen & Co.) – 909 Basin Avenue and Brent Erickson (Kadmas Lee & Jackson) – 128 Soo Line Drive.

MINUTES

Chairman Yeager called for consideration of the minutes of the April 27, 2011 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the April, 2011 meeting as received. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Selzler, Warford and Yeager voting in favor of the motion.

CONSIDERATIONS –

ZONING CHANGE FROM RM15 & R10 TO R10 – EDGEWOOD VILLAGE FIFTH ADDITION

ZONING CHANGE FROM R5 & RT TO P – PART OF THE SE¼ OF SECTION 30, T139N-R80W/HAY CREEK TOWNSHIP

Chairman Yeager called for consideration of the following consent agenda items:

- A. A zoning change from the RM15-Residential and R10-Residential zoning districts to the R10-Residential zoning district for Edgewood Village Fifth Addition. The property is 19 lots in 1 block on 6.25 acres, located in northeast Bismarck, north of Century Avenue, between Colorado Drive and Nebraska Drive (a replat of Lots 11, 18, 65 and part of Lot 64, Block 1, Edgewood Village Second Addition, in part of the W½ of Section 23, T139N-R80W/Hay Creek Township).
- B. A zoning change from the R5-Residential and the RT-Residential zoning districts to the P-Public zoning district for part of the SE¼ of Section 30, T139N-R80W/Hay Creek Township. The property is located in northwest Bismarck on the campus of Bismarck

State College, along the south side of Canary Avenue approximately 200-feet west of Schafer Street (an unplatted portion in SE¼ of Section 30, T139N-R80W/Hay Creek Township).

MOTION: Based on the findings in the staff reports, Commissioner Laning made a motion to approve Consent Agenda items A and B, calling for a public hearing on all items. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Selzler, Warford and Yeager voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION – LOTS 10-12, BLOCK 1; LOTS 11-18, BLOCK 4; LOTS 1-7, BLOCK 5 AND LOTS 1-4, BLOCK 6, HORIZON HEIGHTS ADDITION

Chairman Yeager called for the final consideration for the annexation for Lots 10-12, Block 1; Lots 11-18, Block 4; Lots 1-7, Block 5 and Lots 1-4, Block 6, Horizon Heights Fifth Addition. The property is located in northwest north of Medora Avenue, northwest of Horizon Middle School (part of Section 17 T139N-R80W/Hay Creek Township).

Mr. Tomanek provided an overview of the request and listed the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Tomanek said based on the above findings, staff recommends annexation of a portion of Horizon Heights Fifth Addition (Lots 10-12, Block 1; Lots 11-18, Block 4; Lots 1-7, Block 5 and Lots 1-4, Block 6).

MOTION: Commissioner Selzler made a motion to approve the annexation of a portion of Horizon Heights Fifth Addition (Lots 10-12, Block 1; Lots 11-18, Block 4; Lots 1-7, Block 5 and Lots 1-4, Block 6). Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Selzler, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – LOT 1, BLOCK 1, MEADOW LARK HILL 2ND ADDITON
REPLAT AND CONTINUED PUBLIC HEARING – MINOR SUBDIVISION FINAL
PLAT – MEADOW LARK HILL 2ND ADDITION REPLAT**

Chairman Yeager called for the public hearing for the zoning change from the RT-Residential zoning district to the CG-Commercial zoning district for Lot 1, Block 1 and the continued public hearing for the minor subdivision final plat for Meadow Lark Hill 2nd Addition Replat. The property is located along Schafer Street west of the intersection with Divide Avenue (a replat of Lot 1, Block 1, Meadow Lark Hill Second). The proposed subdivision will create two lots from one lot and will utilize the existing access on Schafer Street.

Mr. Greenquist provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the existing office building to the southwest, a bar/restaurant to the southeast, and a grocery store to the east.
2. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Greenquist said based on the above findings, staff recommends approval of the zoning change from the RT-Residential zoning district to the CG-Commercial zoning district for Lot 1 of Block 1, Meadow Lark Hill Second Addition Replat.

Mr. Greenquist stated the purpose of this minor plat is to subdivide an existing one-lot subdivision into two lots. One lot, the current site of the Dakota Collectibles building, would be 4.4 acres and the new lot would be 1.8 acres. He continued by saying the zoning change would allow a motel to be built. Mr. Greenquist said that under additional information, there are two issues, the parking and the right-of-way. The parking issue can be resolved by a suitable parking agreement with Dakota Collectibles. Mr. Greenquist went on to say that the other issue is on the right-of-way question that Commissioner Armstrong had asked at the last Bismarck Planning & Zoning Commission meeting. Mr. Greenquist stated that he obtained responses from the City Traffic Engineer, the Department of Transportation District Engineer and the Metropolitan Planning Organization in conjunction with the Local Government Division of the Department of Transportation. He went on to say that the only place that additional right-of-way may be needed could be along Schafer Street, but the Department of Transportation study will not be completed for about a year. Mr. Greenquist concluded by saying there will likely be improvements to the current eastbound exit, which is on the opposite side of Divide Avenue from this site.

Commissioner Bullinger asked if the existing common driveway will be shared. Mr. Greenquist answered that the proposed access points would be included in the site plan and will be addressed at that time.

Commissioner Armstrong said he appreciates staffs research but still sees some issues with right-of-way.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Meadow Lark Hill 2nd Addition Replat.

There was no public comment.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve the zoning change from the RT-Residential zoning district to the CG-Commercial zoning district for Lot 1, Block 1 and the minor subdivision final plat for Meadow Lark Hill 2nd Addition Replat. Commissioner Selzler seconded the motion with Commissioners Atkinson, Bullinger, Juhala, Laning, Selzler, Warford and Yeager voting in favor and Commissioner Armstrong voting against. The motion passed 7-1.

OTHER BUSINESS

BISMARCK PLANNING & ZONING COMMISSION VACANCIES

Mr. Hokenstad announced that there are two vacancies on the Bismarck Planning & Zoning Commission and that the Community Development Department will accept applications until June 3, 2011. He added that one position is a full five year term and the other position is for the remaining time of an existing five year term. Mr. Hokenstad concluded by saying the only condition for both positions is that the applicant must be a city resident.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:22 p.m. to meet again on June 22, 2011.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman